

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
                                  )  
                                  Plaintiff, )                          4:09CR3101  
                                  )  
                                  v. )                          MEMORANDUM AND ORDER  
                                  )  
DENNIS JAY KNAUB, )  
                                  )  
                                  Defendant. )

The defendant has moved for a continuance of the pretrial motion deadline, which was set for October 23, 2009, (filing no. [32](#)), and the trial set for November 16, 2009, (filing no. [34](#)). Defense counsel explains he needs additional time to investigate and complete discovery, and to confer with his client and prepare for trial. Counsel for the government does not oppose the defendant's motion. The court finds the defendant's motion should be granted.

IT IS ORDERED:

- 1) Defendant's unopposed motion to continue, (filing no. [32](#)), is granted and defendant's pretrial motions and briefs shall be filed on or before November 30, 2009.
- 2) The ends of justice will be served by granting defendant's motion to continue the pretrial motion deadline, and outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between October 23, 2009 and November 30, 2009, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that the parties require additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant

additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

- 3) The defendant's motion to continue the trial, (filing no. [34](#)), is granted, and the trial of this case is continued pending resolution of any pretrial motions filed.

DATED this 29<sup>th</sup> day of October, 2009.

BY THE COURT:

*Richard G. Kopf*  
United States District Judge